

## **FBI Laboratory Practices for Resolution of Scientific or Technical Disagreement**

### **1 Purpose**

Occasionally, the technical or scientific opinion of one person may differ from another's and is referred to as a disagreement. Consultation is encouraged between personnel while performing work and does not mean there is a disagreement. The FBI Laboratory will conform to the practices in this document to ensure disagreements are resolved. These practices also satisfy the requirements of the FBI Laboratory Quality Assurance Manual (QAM) and the applicable accrediting body(ies).

### **2 Scope**

These practices apply to FBI Laboratory personnel who are involved in disagreements of a scientific or technical nature. These disagreements may occur during completion of a number of work products (e.g., verification, technical review, administrative review, blind verification, casework involving an external organization, DNA databasing, validation of a new method or technical procedure). These disagreements may occur within a unit, between units, or with an external organization. Personnel will follow these practices unless there are approved alternative procedures for their discipline or category(ies) of testing.

### **3 Practices**

#### **3.1 Disagreements Internal to the FBI Laboratory**

##### **3.1.1 Initial Resolution Process**

The personnel involved in the disagreement will discuss the matter, refer to any applicable references, and attempt to resolve the matter. If a resolution is reached to the agreement of all parties, it will be recorded in the FBI Laboratory file and clearly communicated to all personnel involved. If a resolution cannot be achieved by the affected personnel, the discussions will be elevated to the affected Unit Chief(s) and Technical Leader. The personnel are prohibited from discussing the matter with anyone other than the personnel described in this document.

##### **3.1.2 Unit Chief/Technical Leader Level Resolution Process**

The Unit Chief(s), Technical Leader, and the personnel involved in the disagreement will participate in the resolution process. If a resolution is reached to the agreement of all parties, it will be recorded in the FBI Laboratory file and clearly communicated to all personnel involved. If a resolution cannot be achieved, it will be recorded and the Unit Chief(s) will bring the matter to the attention of the appropriate Section Chief(s).

### **3.1.3 Section Level Resolution Process**

The Section Chief(s) will review the records regarding the disagreement. The Section Chief(s) will work with the personnel involved in the disagreement, the Unit Chief(s), and the Technical Leader to resolve the disagreement. If a resolution is reached to the agreement of all parties, it will be recorded in the FBI Laboratory file and clearly communicated to all personnel involved. The Section Chief will ensure an Electronic Communication (EC) (FD-1057) is prepared recording the resolution. If a resolution cannot be achieved, it will be recorded in the FBI Laboratory file and the Section Chief(s) will bring this matter to the attention of the Quality Manager and Laboratory Director.

### **3.1.4 Scientific Resolution Board (SRB) Level Resolution Process**

The Quality Manager will convene an SRB to resolve disagreements that cannot be resolved at the Section Chief level. The Quality Manager will identify the personnel who will participate in the SRB, including a person to facilitate the SRB. The SRB will review the disagreement information and make recommendations to the Laboratory Director in an EC.

### **3.1.5 Laboratory Director Resolution Process**

The Laboratory Director will approve or reject recommendations of the SRB and/or direct other actions as needed to resolve the disagreement. The Laboratory Director's decision will be recorded in an EC and clearly communicated to all personnel involved.

## **3.2 Disagreements between the FBI Laboratory and External Organizations**

### **3.2.1 Notification**

FBI Laboratory personnel will notify their immediate supervisor, the Technical Leader, and affected Unit Chief(s) when they are aware of a disagreement of a scientific or technical nature between the FBI Laboratory and an external organization. Personnel will provide the applicable records and an explanation of the nature and extent of the disagreement. The Unit Chief(s) will notify the affected Section Chief(s) and the Quality Manager of the disagreement in writing.

### **3.2.2 Executive Level Resolution Process**

The Technical Leader, Unit Chief(s), and Section Chief(s) will review the records regarding the disagreement and attempt to resolve the disagreement with the external organization. The personnel involved in the disagreement may assist with the resolution process. If a resolution is reached to the agreement of all parties, it will be recorded and clearly communicated to all parties involved. The Section Chief will ensure an EC is prepared recording the resolution.

If a resolution cannot be achieved, all aspects of the external disagreement will be recorded including the reasons why the disagreement remains unresolved and recommendations for further action. The Section Chief will ensure an EC is prepared recording this information and routed to the Technical Leader, appropriate Unit Chief(s), Section Chief(s), Quality Manager,

and Laboratory Director for approval. The approved EC will be provided to the Laboratory Director for review.

### **3.2.3 Laboratory Director Resolution Process**

The Laboratory Director will review the executive level EC and approve or reject the recommendations and/or direct other actions as needed to resolve the external disagreement. The Laboratory Director will communicate the resolution of the external disagreement in writing to the external organization. The Laboratory Director's decision will be recorded in an EC and clearly communicated to all FBI Laboratory personnel involved.

### **3.3 Recording the Resolution Process**

All aspects of the disagreement resolution process will be recorded at each level. The record will include the nature of the disagreement, information and/or resources used to resolve the disagreement, the outcome, and if applicable, why the disagreement remains unresolved. The records will be placed in the FBI Laboratory file, DNA database records, or validation records as appropriate. If an EC is generated to record the resolution, a copy of the EC will be placed with the appropriate records.

### **3.4 Revision to Quality System Documents**

The Quality Manager or appropriate Unit Chief(s) will ensure any FBI Laboratory practices or procedures are revised, if needed, following the resolution of a disagreement.

### **3.5 Alternative Procedures**

A discipline or category(ies) of testing may develop alternative procedures of resolving differences based on the technical nature of that work. In lieu of the practices described in this document, a level 2 document may have procedures for handling disagreements internal to the FBI Laboratory. These procedures will include, at a minimum, definitions regarding what will be considered a disagreement, requirements regarding issuance of final conclusions, and records that will be generated and retained. When a situation arises where an alternative procedure for disagreements is followed, the appropriate Section Chief(s) will be notified in writing at the beginning of the process and the notification retained.

## **4 Records**

The following records may be generated and/or retained as a result of these practices:

- Records of disagreement resolution results will be retained in the FBI Laboratory file, DNA database records, or validation records, as appropriate.
- Additional information and/or resources used in the disagreement resolution.
- Any ECs generated.
- Any written notifications.

## 5 References

FBI Laboratory Quality Assurance Manual, Federal Bureau of Investigation, Laboratory Division, latest revision.

ISO/IEC 17020 - Conformity Assessment - Requirements for the Operation of Various Types of Bodies Performing Inspection, International Organization for Standardization, Geneva, Switzerland, 2012.

ISO/IEC 17025 - General Requirements for the Competence of Testing and Calibration Laboratories, International Organization for Standardization, Geneva, Switzerland, 2017.

ISO/IEC 17025:2017 - Forensic Science Testing and Calibration Laboratories Accreditation Requirements (AR 3125), ANAB, Milwaukee, WI, April 29, 2019.

Rev. #	Issue Date	History
7	06/03/19	Updated list of references in section 5.
8	12/21/20	Minor edits throughout for clarity. 2 – clarified disagreements can occur in various work products Throughout document added records will be included in FBI Laboratory file and changed Deputy Assistant Director to Laboratory Director. 5 - added ISO/IEC 17020

**Approval**

Redacted - Signatures on File

Laboratory Director

Date: 12/18/2020

Quality Manager

Date: 12/18/2020